

**PARENT-TIME AMENDMENTS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lorie D. Fowlke**

Senate Sponsor: Gregory S. Bell

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**LONG TITLE**

**General Description:**

This bill rearranges some parent-time days, clarifies terms and requirements, and makes technical changes.

**Highlighted Provisions:**

This bill:

▶ changes the following parent-time days from even to odd years:

- July 4;
- Labor Day; and
- Fall Break;

▶ changes the following parent-time days from odd to even years:

- Memorial Day;
- July 24; and
- Halloween;

▶ allows for the election of an entire weekday by the noncustodial parent if school is not in session; and

▶ includes snow days, teacher development days, and other days when school is not in session in the definition of holidays.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

30 AMENDS:

31 **30-3-32**, as last amended by Laws of Utah 2006, Chapter 287

32 **30-3-33**, as last amended by Laws of Utah 2004, Chapters 132 and 321

33 **30-3-34**, as last amended by Laws of Utah 2001, Chapter 255

34 **30-3-35**, as last amended by Laws of Utah 2007, Chapter 302

35 **30-3-35.5**, as last amended by Laws of Utah 2007, Chapter 302

36 **30-3-37**, as last amended by Laws of Utah 2006, Chapter 195

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38 *Be it enacted by the Legislature of the state of Utah:*

39 Section 1. Section **30-3-32** is amended to read:

40 **30-3-32. Parent-time -- Intent -- Policy -- Definitions.**

41 (1) It is the intent of the Legislature to promote parent-time at a level consistent with all  
42 parties' interests.

43 (2) (a) A court shall consider as primary the safety and well-being of the child and the  
44 parent who is the victim of domestic or family violence.

45 (b) Absent a showing by a preponderance of evidence of real harm or substantiated  
46 potential harm to the child:

47 (i) it is in the best interests of the child of divorcing, divorced, or adjudicated parents to  
48 have frequent, meaningful, and continuing access to each parent following separation or  
49 divorce;

50 (ii) each divorcing, separating, or adjudicated parent is entitled to and responsible for  
51 frequent, meaningful, and continuing access with his child consistent with the child's best  
52 interests; and

53 (iii) it is in the best interests of the child to have both parents actively involved in  
54 parenting the child.

55 (c) An order issued by a court pursuant to Title 30, Chapter 6, Cohabitant Abuse Act  
56 shall be considered evidence of real harm or substantiated potential harm to the child.

57 (3) For purposes of Sections 30-3-32 through 30-3-37:

58 (a) "Child" means the child or children of divorcing, separating, or adjudicated parents.

59 (b) "Christmas school vacation" means the time period beginning on the evening the  
60 child gets out of school for the Christmas or winter school break until the evening before the  
61 child returns to school[, ~~except for Christmas Eve and Christmas Day~~].

62 (c) "Extended parent-time" means a period of parent-time other than a weekend,  
63 holiday as provided in Subsections 30-3-35(2)(f) and (2)(g), religious holidays as provided in  
64 Subsections 30-3-33(3) and ~~[(15)]~~(17), and "Christmas school vacation."

65 (d) "Surrogate care" means care by any individual other than the parent of the child.

66 (e) "Uninterrupted time" means parent-time exercised by one parent without  
67 interruption at any time by the presence of the other parent.

68 ~~[(d)]~~ (f) "Virtual parent-time" means parent-time facilitated by tools such as telephone,  
69 email, instant messaging, video conferencing, and other wired or wireless technologies over the  
70 Internet or other communication media to supplement in-person visits between a noncustodial  
71 parent and a child or between a child and the custodial parent when the child is staying with the  
72 noncustodial parent. Virtual parent-time is designed to supplement, not replace, in-person  
73 parent-time.

74 (4) If a parent relocates because of an act of domestic violence or family violence by the  
75 other parent, the court shall make specific findings and orders with regards to the application of  
76 Section 30-3-37.

77 Section 2. Section **30-3-33** is amended to read:

78 **30-3-33. Advisory guidelines.**

79 In addition to the parent-time schedules provided in Sections 30-3-35 and 30-3-35.5, the  
80 following advisory guidelines are suggested to govern all parent-time arrangements between  
81 parents. ~~[These advisory guidelines include:]~~

82 (1) Parent-time schedules mutually agreed upon by both parents are preferable to a  
83 court-imposed solution[;].

84 (2) The parent-time schedule shall be utilized to maximize the continuity and stability of  
85 the child's life[;].

86 (3) Special consideration shall be given by each parent to make the child available to  
87 attend family functions including funerals, weddings, family reunions, religious holidays,  
88 important ceremonies, and other significant events in the life of the child or in the life of either  
89 parent which may inadvertently conflict with the parent-time schedule[?].

90 (4) The responsibility for the pick up, delivery, and return of the child shall be  
91 determined by the court when the parent-time order is entered, and may be changed at any time  
92 a subsequent modification is made to the parent-time order[?].

93 (5) If the noncustodial parent will be providing transportation, the custodial parent shall  
94 have the child ready for parent-time at the time the child is to be picked up and shall be present  
95 at the custodial home or shall make reasonable alternate arrangements to receive the child at the  
96 time the child is returned[?].

97 (6) If the custodial parent will be transporting the child, the noncustodial parent shall be  
98 at the appointed place at the time the noncustodial parent is to receive the child, and have the  
99 child ready to be picked up at the appointed time and place, or have made reasonable alternate  
100 arrangements for the custodial parent to pick up the child[?].

101 (7) Regular school hours may not be interrupted for a school-age child for the exercise  
102 of parent-time by either parent[?].

103 (8) The court may make alterations in the parent-time schedule to reasonably  
104 accommodate the work schedule of both parents and may increase the parent-time allowed to  
105 the noncustodial parent but shall not diminish the standardized parent-time provided in Sections  
106 30-3-35 and 30-3-35.5[?].

107 (9) The court may make alterations in the parent-time schedule to reasonably  
108 accommodate the distance between the parties and the expense of exercising parent-time[?].

109 (10) Neither parent-time nor child support is to be withheld due to either parent's failure  
110 to comply with a court-ordered parent-time schedule[?].

111 (11) The custodial parent shall notify the noncustodial parent within 24 hours of  
112 receiving notice of all significant school, social, sports, and community functions in which the  
113 child is participating or being honored, and the noncustodial parent shall be entitled to attend

114 and participate fully[;].

115 (12) The noncustodial parent shall have access directly to all school reports including  
116 preschool and daycare reports and medical records and shall be notified immediately by the  
117 custodial parent in the event of a medical emergency[;].

118 (13) Each parent shall provide the other with his current address and telephone number,  
119 email address, and other virtual parent-time access information within 24 hours of any  
120 change[;].

121 (14) Each parent shall permit and encourage, during reasonable hours, reasonable and  
122 uncensored communications with the child, in the form of mail privileges and virtual parent-time  
123 if the equipment is reasonably available, provided that if the parties cannot agree on whether the  
124 equipment is reasonably available, the court shall decide whether the equipment for virtual  
125 parent-time is reasonably available, taking into consideration:

- 126 (a) the best interests of the child;
- 127 (b) each parent's ability to handle any additional expenses for virtual parent-time; and
- 128 (c) any other factors the court considers material[;].

129 (15) Parental care shall be presumed to be better care for the child than surrogate care  
130 and the court shall encourage the parties to cooperate in allowing the noncustodial parent, if  
131 willing and able to transport the children, to provide the child care[;]. Child care arrangements  
132 existing during the marriage are preferred as are child care arrangements with nominal or no  
133 charge.

134 (16) Each parent shall provide all surrogate care providers with the name, current  
135 address, and telephone number of the other parent and shall provide the noncustodial parent  
136 with the name, current address, and telephone number of all surrogate care providers unless the  
137 court for good cause orders otherwise[; ~~and~~].

138 (17) Each parent shall be entitled to an equal division of major religious holidays  
139 celebrated by the parents, and the parent who celebrates a religious holiday that the other parent  
140 does not celebrate shall have the right to be together with the child on the religious holiday.

141 (18) If the child is on a different parent-time schedule than a sibling, based on Sections

142 30-3-35 and 30-3-35.5, the parents should consider if an upward deviation for parent-time with  
143 all the minor children so that parent-time is uniform between school aged and nonschool aged  
144 children, is appropriate.

145 Section 3. Section **30-3-34** is amended to read:

146 **30-3-34. Best interests -- Rebuttable presumption.**

147 (1) If the parties are unable to agree on a parent-time schedule, the court may establish  
148 a parent-time schedule consistent with the best interests of the child.

149 (2) The advisory guidelines as provided in Section 30-3-33 and the parent-time  
150 schedule as provided in Sections 30-3-35 and 30-3-35.5 shall be presumed to be in the best  
151 interests of the child. The parent-time schedule shall be considered the minimum parent-time to  
152 which the noncustodial parent and the child shall be entitled unless a parent can establish  
153 otherwise by a preponderance of the evidence that more or less parent-time should be awarded  
154 based upon any of the following criteria:

155 (a) parent-time would endanger the child's physical health or significantly impair the  
156 child's emotional development;

157 (b) the distance between the residency of the child and the noncustodial parent;

158 (c) a substantiated or unfounded allegation of child abuse has been made;

159 (d) the lack of demonstrated parenting skills without safeguards to ensure the child's  
160 well-being during parent-time;

161 (e) the financial inability of the noncustodial parent to provide adequate food and  
162 shelter for the child during periods of parent-time;

163 (f) the preference of the child if the court determines the child to be of sufficient  
164 maturity;

165 (g) the incarceration of the noncustodial parent in a county jail, secure youth  
166 corrections facility, or an adult corrections facility;

167 (h) shared interests between the child and the noncustodial parent;

168 (i) the involvement or lack of involvement of the noncustodial parent in the school,  
169 community, religious, or other related activities of the child;

170 (j) the availability of the noncustodial parent to care for the child when the custodial  
171 parent is unavailable to do so because of work or other circumstances;

172 (k) a substantial and chronic pattern of missing, canceling, or denying regularly  
173 scheduled parent-time;

174 (l) the minimal duration of and lack of significant bonding in the parents' relationship  
175 prior to the conception of the child;

176 (m) the parent-time schedule of siblings;

177 (n) the lack of reasonable alternatives to the needs of a nursing child; and

178 (o) any other criteria the court determines relevant to the best interests of the child.

179 (3) The court shall enter the reasons underlying its order for parent-time that:

180 (a) incorporates a parent-time schedule provided in Section 30-3-35 or 30-3-35.5; or

181 (b) provides more or less parent-time than a parent-time schedule provided in Section  
182 30-3-35 or 30-3-35.5.

183 (4) Once the parent-time schedule has been established, the parties may not alter the  
184 schedule except by mutual consent of the parties or a court order.

185 Section 4. Section **30-3-35** is amended to read:

186 **30-3-35. Minimum schedule for parent-time for children 5 to 18 years of age.**

187 (1) The parent-time schedule in this section applies to children 5 to 18 years of age.

188 (2) If the parties do not agree to a parent-time schedule, the following schedule shall be  
189 considered the minimum parent-time to which the noncustodial parent and the child shall be  
190 entitled[+].

191 (a) (i) [~~one~~] (A) One weekday evening to be specified by the noncustodial parent or the  
192 court, or Wednesday evening if not specified, from 5:30 p.m. until 8:30 p.m.; [~~or~~]

193 [~~it~~] (B) at the election of the noncustodial parent, one weekday from the time the  
194 child's school is regularly dismissed until 8:30 p.m., unless the court directs the application of  
195 Subsection (2)(a)(i); or

196 (C) at the election of the noncustodial parent, if school is not in session, one weekday  
197 from approximately 9 a.m., accommodating the custodial parent's work schedule, until 8:30

198 p.m. if the noncustodial parent is available to be with the child, unless the court directs the  
199 application of Subsection (2)(a)(i)(A) or (2)(a)(i)(B).

200 (ii) Once the election of the weekday for the weekday evening parent-time is made, it  
201 may not be changed except by mutual written agreement or court order.

202 (b) (i) [~~alternating~~] (A) Alternating weekends beginning on the first weekend after the  
203 entry of the decree from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year; [or]

204 [(ii)] (B) at the election of the noncustodial parent, from the time the child's school is  
205 regularly dismissed on Friday until 7 p.m. on Sunday, unless the court directs the application of  
206 Subsection (2)(b)(i)(A); or

207 [(c) holidays]

208 (C) at the election of the noncustodial parent, if school is not in session, on Friday from  
209 approximately 9 a.m., accommodating the custodial parent's work schedule, until 7 p.m. on  
210 Sunday, if the noncustodial parent is available to be with the child unless the court directs the  
211 application of Subsection (2)(b)(i)(A) or (2)(b)(i)(B).

212 (ii) A step-parent, grandparent, or other responsible adult designated by the  
213 noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the  
214 individual, and the parent will be with the child by 7 p.m.

215 (iii) Elections should be made by the noncustodial parent at the time of entry of the  
216 divorce decree or court order, and may be changed by mutual agreement, court order, or by the  
217 noncustodial parent in the event of a change in the child's schedule.

218 (iv) Weekends include any "snow" days, teacher development days, or other days when  
219 school is not scheduled and which are contiguous to the weekend period.

220 (c) Holidays include any "snow" days, teacher development days, or other days when  
221 school is not scheduled, contiguous to the holiday period, and take precedence over the  
222 weekend parent-time[~~, and changes~~]. Changes may not be made to the regular rotation of the  
223 alternating weekend parent-time schedule; however, birthdays take precedence over holidays  
224 and extended parent-time, except Mother's Day and Father's Day; birthdays do not take  
225 precedence over uninterrupted parent-time if the parent exercising uninterrupted time takes the

226 child away from that parent's residence for the uninterrupted extended parent-time.

227 (d) If a holiday falls on a regularly scheduled school day, the noncustodial parent shall  
228 be responsible for the child's attendance at school for that school day[;].

229 (e) (i) [~~if~~] If a holiday falls on a weekend or on a Friday or Monday and the total  
230 holiday period extends beyond that time so that the child is free from school and the parent is  
231 free from work, the noncustodial parent shall be entitled to this lengthier holiday period[; ~~or~~].

232 (ii) [~~at~~] (A) At the election of the noncustodial parent, parent-time over a scheduled  
233 holiday weekend may begin from the time the child's school is regularly dismissed at the  
234 beginning of the holiday weekend until 7 p.m. on the last day of the holiday weekend; or

235 (B) at the election of the noncustodial parent, if school is not in session, parent-time  
236 over a scheduled holiday weekend may begin at approximately 9 a.m., accommodating the  
237 custodial parent's work schedule, the first day of the holiday weekend until 7 p.m. on the last  
238 day of the holiday weekend, if the noncustodial parent is available to be with the child unless the  
239 court directs the application of Subsection (2)(e)(ii)(A).

240 (iii) A step-parent, grandparent, or other responsible individual designated by the  
241 noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the  
242 individual, and the parent will be with the child by 7 p.m.

243 (iv) Elections should be made by the noncustodial parent at the time of the divorce  
244 decree or court order, and may be changed by mutual agreement, court order, or by the  
245 noncustodial parent in the event of a change in the child's schedule.

246 (f) In years ending in an odd number, the noncustodial parent is entitled to the following  
247 holidays:

248 (i) child's birthday on the day before or after the actual birthdate beginning at 3 p.m.  
249 until 9 p.m.; at the discretion of the noncustodial parent, he may take other siblings along for the  
250 birthday;

251 (ii) Martin Luther King, Jr. beginning 6 p.m. on Friday until Monday at 7 p.m. unless  
252 the holiday extends for a lengthier period of time to which the noncustodial parent is completely  
253 entitled;

254 (iii) spring break beginning at 6 p.m. on the day school lets out for the holiday until 7  
255 p.m. on the Sunday before school resumes;

256 [~~(iv) Memorial Day beginning 6 p.m. on Friday until Monday at 7 p.m., unless the~~  
257 ~~holiday extends for a lengthier period of time to which the noncustodial parent is completely~~  
258 ~~entitled;~~]

259 [~~(v) July 24th beginning 6 p.m. on the day before the holiday until 11 p.m. on the~~  
260 ~~holiday;~~]

261 [~~(vi) Halloween on October 31 or the day Halloween is traditionally celebrated in the~~  
262 ~~local community from after school until 9 p.m. if on a school day, or from 4 p.m. until 9 p.m.;~~]

263 [~~(vii) Veteran's Day holiday beginning 6 p.m. the day before the holiday until 7 p.m. on~~  
264 ~~the holiday; and]~~

265 (iv) July 4 beginning 6 p.m. the day before the holiday until 11 p.m. or no later than 6  
266 p.m. on the day following the holiday, at the option of the parent exercising the holiday;

267 (v) Labor Day beginning 6 p.m. on Friday until Monday at 7 p.m., unless the holiday  
268 extends for a lengthier period of time to which the noncustodial parent is completely entitled;

269 (vi) the fall school break, if applicable, commonly known as U.E.A. weekend beginning  
270 at 6 p.m. on Wednesday until Sunday at 7 p.m. unless the holiday extends for a lengthier period  
271 of time to which the noncustodial parent is completely entitled;

272 (vii) Veteran's Day holiday beginning 6 p.m. the day before the holiday until 7 p.m. on  
273 the holiday; and

274 (viii) the first portion of the Christmas school vacation as defined in Subsection  
275 30-3-32(3)(b) [~~plus~~] including Christmas Eve and Christmas Day until 1 p.m. on the day  
276 halfway through the holiday, if there are an odd number of days for the holiday period, or until 7  
277 p.m. if there are an even number of days for the holiday period, so long as the entire holiday is  
278 equally divided[;].

279 (g) In years ending in an even number, the noncustodial parent is entitled to the  
280 following holidays:

281 (i) child's birthday on actual birthdate beginning at 3 p.m. until 9 p.m.; at the discretion

282 of the noncustodial parent, he may take other siblings along for the birthday;

283 (ii) ~~[Washington and Lincoln]~~ President's Day beginning at 6 p.m. on Friday until 7 p.m.  
284 on Monday unless the holiday extends for a lengthier period of time to which the noncustodial  
285 parent is completely entitled;

286 ~~[(iii) July 4th beginning at 6 p.m. the day before the holiday until 11 p.m. on the  
287 holiday;]~~

288 ~~[(iv) Labor Day beginning at 6 p.m. on Friday until Monday at 7 p.m. unless the holiday  
289 extends for a lengthier period of time to which the noncustodial parent is completely entitled;]~~

290 (iii) Memorial Day beginning at 6 p.m. on Friday until Monday at 7 p.m., unless the  
291 holiday extends for a lengthier period of time to which the noncustodial parent is completely  
292 entitled;

293 (iv) July 24 beginning at 6 p.m. on the day before the holiday until 11 p.m. or no later  
294 than 6 p.m. on the day following the holiday, at the option of the parent exercising the holiday;

295 (v) Columbus Day beginning at 6 p.m. the day before the holiday until 7 p.m. on the  
296 holiday;

297 (vi) Halloween on October 31 or the day Halloween is traditionally celebrated in the  
298 local community from after school until 9 p.m. if on a school day, or from 4 p.m. until 9 p.m.;

299 ~~[(v) the fall school break, if applicable, commonly known as U.E.A. weekend beginning  
300 at 6 p.m. on Wednesday until Sunday at 7 p.m. unless the holiday extends for a lengthier period  
301 of time to which the noncustodial parent is completely entitled;]~~

302 ~~[(vi) Columbus Day beginning at 6 p.m. the day before the holiday until 7 p.m. on the  
303 holiday;]~~

304 (vii) Thanksgiving holiday beginning Wednesday at 7 p.m. until Sunday at 7 p.m.; and

305 (viii) the second portion of the Christmas school vacation~~[-including New Year's Day;]~~  
306 as defined in Subsection 30-3-32(3)(b) ~~[plus Christmas day beginning at 1 p.m. until 9 p.m.],~~  
307 beginning 1 p.m. on the day halfway through the holiday, if there are an odd number of days for  
308 the holiday period, or at 7 p.m. if there are an even number of days for the holiday period, so  
309 long as the entire Christmas holiday is equally divided[;].

310 (h) The custodial parent is entitled to the odd year holidays in even years and the even  
311 year holidays in odd years[;].

312 (i) Father's Day shall be spent with the natural or adoptive father every year beginning  
313 at 9 a.m. until 7 p.m. on the holiday[;].

314 (j) Mother's Day shall be spent with the natural or adoptive mother every year beginning  
315 at 9 a.m. until 7 p.m. on the holiday[;].

316 (k) Extended parent-time with the noncustodial parent may be:

317 (i) up to four weeks consecutive at the option of the noncustodial parent, including  
318 weekends normally exercised by the noncustodial parent, but not holidays;

319 (ii) two weeks shall be uninterrupted time for the noncustodial parent; and

320 (iii) the remaining two weeks shall be subject to parent-time for the custodial parent  
321 ~~[consistent with these guidelines;]~~ for weekday parent-time but not weekends, except for a  
322 holiday to be exercised by the other parent.

323 (l) The custodial parent shall have an identical two-week period of uninterrupted time  
324 during the children's summer vacation from school for purposes of vacation[;].

325 ~~[(m) If the child is enrolled in year-round school, the noncustodial parent's extended~~  
326 ~~parent-time shall be 1/2 of the vacation time for year-round school breaks, provided the~~  
327 ~~custodial parent has holiday and phone visits;]~~

328 ~~[(n)]~~ (m) Both parents shall provide notification of extended parent-time or vacation  
329 weeks with the child ~~[shall be provided]~~ at least 30 days in advance to the other parent[; ~~and~~]  
330 and if notification is not provided timely the complying parent may determine the schedule for  
331 extended parent-time for the noncomplying parent.

332 ~~[(o) Telephone contact and other virtual]~~

333 (n) Telephone contact shall be at reasonable hours and for a reasonable duration.

334 (o) Virtual parent-time, if the equipment is reasonably available and the parents reside at  
335 least 100 miles apart, shall be at reasonable hours and for reasonable duration, provided that if  
336 the parties cannot agree on whether the equipment is reasonably available, the court shall decide  
337 whether the equipment for virtual parent-time is reasonably available, taking into consideration:

- 338 (i) the best interests of the child;
- 339 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
- 340 (iii) any other factors the court considers material.

341 (3) Any elections required to be made in accordance with this section by either parent  
 342 concerning parent-time shall be made a part of the decree and made a part of the parent-time  
 343 order.

344 (4) Notwithstanding Subsection (2)(e)(i), the Halloween holiday may not be extended  
 345 beyond the hours designated in Subsection (2)~~(f)~~(g)(vi).

346 Section 5. Section **30-3-35.5** is amended to read:

347 **30-3-35.5. Minimum schedule for parent-time for children under five years of**  
 348 **age.**

349 (1) The parent-time schedule in this section applies to children under five years old.

350 (2) All holidays in this section refer to the same holidays referenced in Section 30-3-35.

351 ~~(2)~~ (3) If the parties do not agree to a parent-time schedule, the following schedule  
 352 shall be considered the minimum parent-time to which the noncustodial parent and the child  
 353 shall be entitled[;].

354 (a) For children under five months of age:

355 (i) six hours of parent-time per week to be specified by the court or the noncustodial  
 356 parent preferably:

357 (A) divided into three parent-time periods; and

358 (B) in the custodial home, established child care setting, or other environment familiar  
 359 to the child; and

360 (ii) two hours on holidays and in the years specified in Subsections 30-3-35(2)(f)  
 361 through (i) preferably in the custodial home, the established child care setting, or other  
 362 environment familiar to the child[;].

363 (b) For children five months of age or older, but younger than ~~ten~~ nine months of age:

364 (i) nine hours of parent-time per week to be specified by the court or the noncustodial  
 365 parent preferably:

366 (A) divided into three parent-time periods; and  
367 (B) in the custodial home, established child care setting, or other environment familiar  
368 to the child; and  
369 (ii) two hours on the holidays and in the years specified in Subsections 30-3-35(2)(f)  
370 through (i) preferably in the custodial home, the established child care setting, or other  
371 environment familiar to the child[;].  
372 (c) For children nine months of age or older, but younger than 12 months of age:  
373 (i) one eight hour visit per week to be specified by the noncustodial parent or court;  
374 (ii) one three hour visit per week to be specified by the noncustodial parent or court;  
375 (iii) eight hours on the holidays and in the years specified in Subsections 30-3-35(2)(f)  
376 through (i); and  
377 (iv) brief telephone contact and other virtual parent-time, if the equipment is reasonably  
378 available, with the noncustodial parent at least two times per week, provided that if the parties  
379 cannot agree on whether the equipment is reasonably available, the court shall decide whether  
380 the equipment for virtual parent-time is reasonably available, taking into consideration:  
381 (A) the best interests of the child;  
382 (B) each parent's ability to handle any additional expenses for virtual parent-time; and  
383 (C) any other factors the court considers material[;].  
384 (d) For children 12 months of age or older, but younger than 18 months of age:  
385 (i) one eight-hour visit per alternating weekend to be specified by the noncustodial  
386 parent or court;  
387 (ii) on opposite weekends from Subsection (2)(d)(i), from 6 p.m. on Friday until noon  
388 on Saturday;  
389 (iii) one three-hour visit per week to be specified by the noncustodial parent or court;  
390 (iv) eight hours on the holidays and in the years specified in Subsections 30-3-35(2)(f)  
391 through (i); and  
392 (v) brief telephone contact and other virtual parent-time, if the equipment is reasonably  
393 available, with the noncustodial parent at least two times per week, provided that if the parties

394 cannot agree on whether the equipment is reasonably available, the court shall decide whether  
395 the equipment for virtual parent-time is reasonably available, taking into consideration:

- 396 (A) the best interests of the child;
- 397 (B) each parent's ability to handle any additional expenses for virtual parent-time; and
- 398 (C) any other factors the court considers material[;].

399 (e) For children 18 months of age or older, but younger than three years of age:

400 (i) one weekday evening between 5:30 p.m. and 8:30 p.m. to be specified by the  
401 noncustodial parent or court; however, if the child is being cared for during the day outside his  
402 regular place of residence, the noncustodial parent may, with advance notice to the custodial  
403 parent, pick up the child from the caregiver at an earlier time and return him to the custodial  
404 parent by 8:30 p.m.;

405 (ii) alternative weekends beginning on the first weekend after the entry of the decree  
406 from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;

407 (iii) parent-time on holidays as specified in Subsections 30-3-35(2)(c) through (i);

408 (iv) extended parent-time may be:

409 (A) two one-week periods, separated by at least four weeks, at the option of the  
410 noncustodial parent;

411 (B) one week shall be uninterrupted time for the noncustodial parent;

412 (C) the remaining week shall be subject to parent-time for the custodial parent  
413 consistent with these guidelines; and

414 (D) the custodial parent shall have an identical one-week period of uninterrupted time  
415 for vacation; and

416 (v) brief telephone contact and virtual parent-time, if the equipment is reasonably  
417 available, with the noncustodial parent at least two times per week, provided that if the parties  
418 cannot agree on whether the equipment is reasonably available, the court shall decide whether  
419 the equipment for virtual parent-time is reasonably available, taking into consideration:

420 (A) the best interests of the child;

421 (B) each parent's ability to handle any additional expenses for virtual parent-time; and

- 422 (C) any other factors the court considers material~~[; and]~~.
- 423 (f) For children three years of age or older, but younger than five years of age:
- 424 (i) one weekday evening between 5:30 p.m. and 8:30 p.m. to be specified by the  
425 noncustodial parent or court; however, if the child is being cared for during the day outside his  
426 regular place of residence, the noncustodial parent may, with advance notice to the custodial  
427 parent, pick up the child from the caregiver at an earlier time and return him to the custodial  
428 parent by 8:30 p.m.;
- 429 (ii) alternative weekends beginning on the first weekend after the entry of the decree  
430 from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;
- 431 (iii) parent-time on holidays as specified in Subsections 30-3-35(2)(c) through (i);
- 432 (iv) extended parent-time with the noncustodial parent may be:
- 433 (A) two two-week periods, separated by at least four weeks, at the option of the  
434 noncustodial parent;
- 435 (B) one two-week period shall be uninterrupted time for the noncustodial parent;
- 436 (C) the remaining two-week period shall be subject to parent-time for the custodial  
437 parent consistent with these guidelines; and
- 438 (D) the custodial parent shall have an identical two-week period of uninterrupted time  
439 for vacation; and
- 440 (v) brief telephone contact and virtual parent-time, if the equipment is reasonably  
441 available, with the noncustodial parent at least two times per week, provided that if the parties  
442 cannot agree on whether the equipment is reasonably available, the court shall decide whether  
443 the equipment for virtual parent-time is reasonably available, taking into consideration:
- 444 (A) the best interests of the child;
- 445 (B) each parent's ability to handle any additional expenses for virtual parent-time; and
- 446 (C) any other factors the court considers material.
- 447 ~~[(3)]~~ (4) A parent shall notify the other parent at least 30 days in advance of extended  
448 parent-time or vacation weeks.
- 449 ~~[(4)]~~ (5) Virtual parent-time shall be at reasonable hours and for reasonable duration.

450 Section 6. Section **30-3-37** is amended to read:

451 **30-3-37. Relocation.**

452 (1) [~~When either parent decides to move~~] For purposes of this section, "relocation"  
453 means moving from the state [~~of Utah~~] or 150 miles or more from the residence specified in the  
454 court's decree[~~, that~~].

455 (2) The relocating parent shall provide, if possible, 60 days advance written notice of  
456 the intended relocation to the other parent. The written notice of relocation shall contain  
457 statements affirming the following:

458 (a) the parent-time provisions in Subsection (5) or a schedule approved by both parties  
459 will be followed; and

460 (b) neither parent will interfere with the other's parental rights pursuant to court ordered  
461 parent-time arrangements, or the schedule approved by both parties.

462 [~~(2)~~] (3) The court may, upon motion of any party or upon the court's own motion,  
463 schedule a hearing with notice to review the notice of relocation and parent-time schedule as  
464 provided in Section 30-3-35 and make appropriate orders regarding the parent-time and costs  
465 for parent-time transportation.

466 [~~(3)~~] (4) In determining the parent-time schedule and allocating the transportation costs,  
467 the court shall consider:

- 468 (a) the reason for the parent's relocation;
- 469 (b) the additional costs or difficulty to both parents in exercising parent-time;
- 470 (c) the economic resources of both parents; and
- 471 (d) other factors the court considers necessary and relevant.

472 [~~(4) Upon the motion of any party, the court may order the parent intending to move to~~  
473 ~~pay the costs of transportation for:~~]

474 [~~(a) at least one visit per year with the other parent; and~~]

475 [~~(b) any number of additional visits as determined equitable by the court.]~~]

476 (5) Unless otherwise ordered by the court, upon the relocation, as defined in Subsection  
477 (1), of one of the parties the following schedule shall be the minimum requirements for

478 parent-time with a school-age child:

479 (a) in years ending in an odd number, the child shall spend the following holidays with  
480 the noncustodial parent:

481 (i) Thanksgiving holiday beginning Wednesday until Sunday; and

482 (ii) ~~[the fall school]~~ Spring break, if applicable, beginning the last day of school before  
483 the holiday until the day before school resumes;

484 (b) in years ending in an even number, the child shall spend the following holidays with  
485 the noncustodial parent:

486 (i) the entire winter school break period; and

487 (ii) ~~[Spring]~~ the Fall school break beginning the last day of school before the holiday  
488 until the day before school resumes; ~~[and]~~

489 (c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive  
490 weeks. The children should be returned to the custodial home no later than seven days before  
491 school begins; however, this week shall be counted when determining the amount of parent-time  
492 to be divided between the parents for the summer or off-track period[-]; and

493 (d) at the option and expense of the noncustodial parent, one weekend per month.

494 (6) In the event finances and distance preclude the exercise of minimum parent-time for  
495 the noncustodial parent during the school year, the court should consider awarding more time  
496 for the noncustodial parent during the summer time if it is in the best interests of the children.

497 ~~[(6)]~~ (7) Upon the motion of any party, the court may order uninterrupted parent-time  
498 with the noncustodial parent for a minimum of 30 days during extended parent-time, unless the  
499 court finds it is not in the best interests of the child. If the court orders uninterrupted  
500 parent-time during a period not covered by this section, it shall specify in its order which parent  
501 is responsible for the child's travel expenses.

502 ~~[(7)]~~ (8) Unless otherwise ordered by the court the relocating party shall be responsible  
503 for all the child's travel expenses relating to Subsections (5)(a) and (b) and 1/2 of the child's  
504 travel expenses relating to Subsection (5)(c), provided the noncustodial ~~[party]~~ parent is current  
505 on all support obligations. If the noncustodial ~~[party]~~ parent has been found in contempt for not

506 being current on all support obligations, [~~he~~] the noncustodial parent shall be responsible for all  
507 of the child's travel expenses under Subsection (5), unless the court rules otherwise.

508 Reimbursement by either responsible party to the other for the child's travel expenses shall be  
509 made within 30 days of receipt of documents detailing those expenses.

510 [~~(8)~~] (9) The court may apply this provision to any preexisting decree of divorce.

511 [~~(9)~~] (10) Any action under this section may be set for an expedited hearing.

512 [~~(10)~~] (11) A parent who fails to comply with the notice of relocation in Subsection  
513 [~~(11)~~] (2) shall be in contempt of the court's order.